

VZCZCXRO3474
OO RUEHBI RUEHLMC
DE RUEHLM #0980/01 1971053
ZNR UUUUU ZZH
O 161053Z JUL 07
FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6447
RUEHBK/AMEMBASSY BANGKOK 3238
RUEHKT/AMEMBASSY KATHMANDU 5378
RUEHKA/AMEMBASSY DHAKA 0285
RUEHIL/AMEMBASSY ISLAMABAD 7269
RUEHLO/AMEMBASSY LONDON 3911
RUEHNE/AMEMBASSY NEW DELHI 1196
RUEHNY/AMEMBASSY OSLO 3982
RUEHOT/AMEMBASSY OTTAWA 1175
RUEHKO/AMEMBASSY TOKYO 3068
RUEHCG/AMCONSUL CHENNAI 7862
RUEHBI/AMCONSUL MUMBAI 5517
RUEHON/AMCONSUL TORONTO 0318
RHHMUNA/HQ USPACOM HONOLULU HI
RUEHLMC/MILLENNIUM CHALLENGE CORPORATION
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RUEHBS/USEU BRUSSELS
RUEHGV/USMISSION GENEVA 2208

UNCLAS SECTION 01 OF 03 COLOMBO 000980

SIPDIS

SIPDIS

SENSITIVE

STATE FOR SCA, INL, DRL, CRS
USAID FOR RENEE HOWELL/ANE/SAA, ELIZABETH HUME/CMM, BARBARA
SMITH/DG, JOHN BUCHANAN/DG
DOJ FOR GRAY BARR/ICITAP

E.O. 12958: N/A

TAGS: [PHUM](#) [PINS](#) [PREL](#) [PREF](#) [PGOV](#) [EAID](#) [ASEC](#) [CE](#)

SUBJECT: SRI LANKA: REQUEST TO STATE/DRL AND STATE/INL FOR SUPPORT
IN FORENSIC MEDICINE AND CRIME SCENE INVESTIGATIONS

11. (SBU) Summary: The Government of Sri Lanka's Presidential Commission of Inquiry (COI) has begun investigations into serious human rights violations. The COI began hearings on one of the cases but a dispute between scientific experts regarding the forensic evidence is becoming a major impediment to resolving the case. This case, involving the murders of aid workers in Muttur, sheds light on the many weaknesses in government institutions responsible for forensic analysis. Addressing these weaknesses could ensure that forensic science supports the legal system and the responsibilities of law enforcement agencies. Post requests that INL and DRL assess the state of forensic investigation capacity in Sri Lanka and to consider funding support for measures outlined in para 10. End Summary.

BACKGROUND AND COI'S FORENSICS CONSTRAINTS

12. In late 2006, the Government of Sri Lanka (GSL) established the COI to evaluate 16 of the most serious human rights violations dating back to August 2005. Those cases include the murder of former Foreign Minister Lakshman Kadirgamar, parliamentarian Nadaraja Raviraj, the murders of students in Trincomalee, as well as 17 Action Contre La Faim aid workers in Muttur. To date, the COI has only begun to hear evidence in the Muttur case. The international community, represented by Australia, Canada, the European Union, Germany, Japan, the Netherlands, the United Kingdom, and the United States, is supporting the International Independent Group of Eminent Persons (IIGEP) to observe the COI's hearings and comment on proceedings. The IIGEP Secretariat consists of technical advisors who support the work of the Eminent Persons.

13. The IIGEP technical advisors reviewed the Muttur case and identified several failures of Sri Lankan law enforcement authorities and forensic specialists to undertake many elementary forensic analyses such as: fingerprinting of the crime scene; a

thorough search for and collection of projectiles; and the analysis of mobile phone records. In addition, a dispute has arisen between IIGEP and GSL authorities over the ballistics analysis of the projectiles taken from the victims. Dr. Malcolm Dodd, the Australian forensic pathologist who conducted a second series of post-mortems, and the GSL's Government Analyst Department's ballistics expert disagree on the presence of two sizes of projectiles in the victims' bodies. Dr. Dodd took x-ray photographs of the exhumed bodies and these show bullets of two different sizes. The GSL police reports show that officers at the crime scene conducted an unstructured search by digging through the sand with their hands to recover projectiles. Basic forensics training or the presence of Scene of Crime Officers could have ensured a more professional search for forensic evidence.

THE CAPACITY OF SRI LANKA'S GOVERNMENT ANALYST'S DEPARTMENT

¶4. The GSL's Government Analyst's Department was established in 1905 and provides scientific analytical services for government departments including the Sri Lanka Police, Public Health Inspectors, the Department of Immigration and Emigration, the Registrar of Motor Vehicles, Sri Lanka Customs and others.

¶5. The Department has 54 scientific officers, of whom 30 are assigned to a Forensics Division. The Forensics Division consists of seven units: Firearms, Explosives, Serology, Toxicology, Narcotics, Questioned Documents, and Miscellaneous. The GSL has approved a budget of approximately \$6.8 million for the construction of an office and laboratory complex for the Government Analyst's Department. The construction is scheduled to be completed in 2009.

COLOMBO 00000980 002 OF 003

¶6. Very little funding is available for in-country training and the Department is in need of several key pieces of equipment. For example, the Department does not have a DNA laboratory. Such tests have to be carried out at Gene Tech, a private sector company, or the University of Kelaniya. (Note: In criminal cases, tests conducted at Gene Tech or the University of Kelaniya are always challenged in court and often declared inadmissible.)

¶7. Many forensic specialists have asserted that the Government Analyst's Department is short staffed and is often a primary obstacle in obtaining forensic reports in a timely manner, with delays of up to six months for toxicological and serological reports. In addition, the capacity of these units is poor, and they routinely fail to detect small quantities of pathogens or chemicals.

CAPACITY OF THE JUDICIAL MEDICAL OFFICERS

¶8. Judicial Medical Officers (JMO) have the legal responsibility to perform autopsies. All JMOs have a degree in medicine with at least one JMO assigned to each district in the country. The Post-Graduate Institute of Medicine at the University of Colombo conducts a doctoral level graduate program in forensic medicine that attracts few students as most are attracted to programs that offer better prospects with the possibility of a lucrative private practice.

¶9. The work of the JMOs has also recently come under fire, with IIGEP technical advisors citing poor quality post mortems in the murders of the 17 employees of the French non-governmental organization, Action Contre La Faim in Muttur. In addition, the pathology unit does not even have the most basic equipment, such as an x-ray machine. A piece of equipment such as an x-ray machine is fundamental in conducting post mortems and, had that piece of equipment been available, it could have made a significant difference in the outcome of the GSL prepared report on the murder of the aid workers.

RECOMMENDATIONS

¶10. Post has identified the forms of intervention that are most needed to build the capacity of forensic medical analysis in Sri Lanka. Post urges DRL and INL to provide support in one or more of these areas.

- Training for the JMOs to improve their technical skills in forensics investigations;
- Capacity building and DNA equipment for the Government Analyst's Department;
- Training in forensic medicine for the judiciary and senior prosecuting lawyers from the Attorney-General's Department;
- A review with recommendations for reforming existing laws that govern the admissibility of scientific evidence;
- A review with recommendations for training the Sri Lankan Police's Criminal Record Division which is responsible for collecting, matching and storing fingerprint reports;
- Development of a strategic plan to advocate for ongoing training

COLOMBO 00000980 003 OF 003

and policy and procedural reforms within the Sri Lanka Police, the Judicial Medical officers and Government Analysts to establish an integrated system for forensic analysis; and,

- Funding for improved infrastructure facilities in selected hospitals targeting the refurbishment of pathology units and the purchase of essential equipment (e.g. x-ray machines).

¶11. ACTION REQUEST: Building the technical capacity of GSL institutions responsible for collecting and analyzing forensic evidence and purchasing of necessary equipment will not by itself improve the prosecution of cases involving human rights violations. However, these interventions will improve forensic analysis and will be a vital step in ensuring that the review of forensics evidence is credible. In the absence of credible forensic analysis, speculation and allegations surrounding human rights abuses flourish and the culture of impunity continues. Support from DRL and INL would complement USAID's democracy and governance programs in Sri Lanka and meet critical needs that we are not able to address with current funding levels. We welcome comments from and dialogue with DRL and INL on this proposal.

MOORE